United Nations S/PV.5191

Security Council

Sixtieth year

Provisional

5191st meeting

Tuesday, 31 May 2005, 3.50 p.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Algeria	Mr. Djeffal
	Argentina	Mr. D'Alotto
	Benin	Mr. Saizonou
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Zhang Yishan
	France	Mrs. Collet
	Greece	Mrs. Papadopoulou
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Dolgov
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mrs. Patterson

Agenda

United Nations peacekeeping operations

Letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly (A/59/710)

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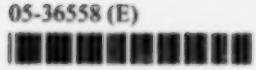

The meeting was called to order at 3.50 p.m.

Adoption of the agenda

The agenda was adopted.

United Nations peacekeeping operations

Letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly (A/59/710)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel.

It is so decided.

I invite His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

It is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document A/59/19/Add.1, which contains the report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session, and document A/59/710, which contains a letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly transmitting the report of the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel.

At this meeting, the Security Council will hear a briefing by His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel.

I now give him the floor.

Prince Zeid Ra'ad Zeid Al-Hussein: May I congratulate you, Madam, and the members of the Security Council on preparing an excellent draft presidential statement on the subject of sexual exploitation and abuse in United Nations peacekeeping operations. I am most grateful to the Council for having organized this briefing and for having invited me to participate. This is the first time in its history that the Council has ever had a public meeting of this sort, devoted exclusively to sexual exploitation and abuse in United Nations peacekeeping operations generally.

Over the past several months, and in reaction to first reports from the Democratic Republic of the Congo, some members of the Council were of the opinion that an immediate and open discussion by the Council on sexual exploitation and abuse was merited, and the argument for it was indeed strong. After some reflection, however, those members deferred to the General Assembly, so that a broad strategy for dealing with sexual exploitation and abuse could be put into place — a strategy based on consultations between all the major troop- and equipment-contributing countries, the Secretary-General, the Department of Peacekeeping Operations and the Office of Legal Affairs. It is the contributions of all those separate components, together with the opinions offered by our United Nations colleagues in the field, that enabled my team and I to respond promptly to the Secretary-General's request just over two months ago for a report, which we entitled: "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations".

Before I turn briefly to the most recent developments, where the work of the General Assembly is concerned, and what lies ahead of us, I would like, with your permission, Madam, to offer just a few observations that I believe deserve specific mention.

When we first began to take a close look at sexual exploitation and abuse, what became obvious to us was that sexual exploitation — predominantly prostitution — in at least some United Nations operations appeared to be widespread. The scale of

sexual abuse — that is, when the exploitation becomes criminal — was somewhat more difficult to gauge. We inferred, however, that given the apparent prevalent nature of the exploitation, both by civilian as well as by military personnel, the levels of abuse were probably more serious than was previously thought. Some of the possible reasons for why that has been so are enumerated in detail in the report itself, and so I will not repeat them here.

In reviewing all the information gathered for the report, we also began to grasp the complexity of the attendant legal questions — so much so that we were concerned at how certain United Nations civilian personnel could enjoy, by virtue of a specific set of circumstances unforeseen at the time the United Nations was created, complete impunity, even when committing frightful offences, such as murder. We also realized that, in the event that we could create the right administrative and legal framework for addressing that issue, we would solve many of the problems associated not only with sexual exploitation and abuse specifically, but also with other forms of misconduct.

Our growing understanding of sexual exploitation and abuse led us also to ask the obvious question: Why had we left this and other similar issues unresolved for so long? It was well known to many in the Secretariat in the early 1960s that the United Nations Operation in the Congo faced difficulties relating to the ill-discipline of some of its personnel; and ever since the United Nations Transition Assistance Group was mounted in 1989, a steady stream of similar reports have surfaced in relation to practically every subsequent mission and were brought to our notice by the Secretariat, humanitarian non-governmental organizations and the press.

What must be emphasized, and is emphasized in the Council's draft presidential statement, is the context into which we place all our words. United Nations peacekeeping, in almost all theatres, is dangerous, no matter how benign and peaceful conditions may appear to be at certain times. It takes courage for Member States to send their personnel to participate in such an undertaking, and even greater courage for the men and women nominated, military or civilian, to actually go and serve. And we can rightly be proud of what United Nations peacekeepers have accomplished through the years. Moreover, in most instances, whatever the abuses of United Nations peacekeepers, they cannot compare to the viciousness the parties to the conflict often invite on one another. But that can hardly be the point. It would be offensive for me to suggest that the United Nations should hold itself to anything but the highest standards of ethical conduct, and certainly we should never measure the United Nations against those who would treat civilian populations maliciously.

A peacekeeper who would exploit the vulnerabilities of a wounded population — already the victim of all that is tragic and cruel in war — is really no different than a physician who would violate the patient entrusted to his or her care or than the lifeguard who drowns the very people in need of rescue. Actions of that sort puncture, violently, the hope embodied by the very presence of the person who is there to help those in need. However rare they may be, therefore, not only are abuses by peacekeepers repugnant to us, but they strike at the very credibility of both the operation in question and this Organization as a whole.

And we, the Member States, have refrained from opening up that subject to public discourse over the past 60 years because of what? Because sentiments of pride, mixed in with a deep sense of embarrassment, have often produced in us only outright denials. And yet almost all countries that have participated in United Nations peacekeeping operations have, at one stage or another, had some reason to feel deeply ashamed over the activities of some of their peacekeepers.

If all of us are therefore guilty, so to speak, should it not then be easy for us — each Member State — to visit the transgressions of its own personnel openly, with some measure of honesty and humility? Surely we owe that to the victims of our abuse. Naturally, if one is to propose such a change to the manner by which we confront this problem, then one is obligated also to set a good example.

I once served as a United Nations peacekeeper. I have worked in the field with my compatriots — military and police peacekeepers alike — and know what good they do. I have seen them perform extraordinary feats of courage and kindness, often in the most trying conditions. And they, like many others, have done so with an unswerving sense of dedication to this world Organization. But I also recognize — and now do so publicly in the Security Council — that on occasion my Government has had to confront some appalling cases of criminal conduct by a few of our own peacekeepers, including, a few years ago, the

brutal rape of a local woman by a Jordanian in what was then East Timor and, more recently, in Kosovo, the murder by a Jordanian civilian police officer of a fellow officer. While those are two of the worst cases, sadly, there have been other allegations, and for those reasons the Jordanian Government, and Jordan's military and police authorities, are completely committed to seeing an end to this. Again, if we are to overcome these difficulties, we the Member States must resolve ourselves as best we can to recognize the truth openly and be closer friends to it, however painful that may sometimes be.

Only days ago, the Fifth Committee of the General Assembly examined and adopted a significant number of the recommendations put forward by the Advisory Committee on Administrative and Budgetary Questions for the posts submitted by the Secretariat relating to sexual exploitation and abuse following on from the adoption by the Special Committee on Peacekeeping Operations of the first set of recommendations contained in the comprehensive report. This is all very encouraging. We expect the Secretary-General to announce, soon, the appointment of a group of legal experts required, by the Committee, inter alia,

> "To provide advice on the best way to proceed so as to ensure that the original intent of the Charter can be achieved, namely that United Nations staff and experts on mission would never be effectively exempt from the consequences of criminal acts committed at their duty station, nor unjustly penalized, in accordance with due process". (*A/59/19/Add.1, para. 40 (a)*)

The expert group is invited to make available its views to the General Assembly at its sixtieth session.

In the meantime, Jean-Marie Guéhenno and Jane Holl Lute have worked with extraordinary determination over many months to resolve the difficulties on the ground, actions for which they must be commended thoroughly. However, I would like to repeat what both of them have said on previous occasions: that, despite the progress we have seen, it would be prudent for us to expect that further allegations will emerge over the next year and beyond, due to the Secretariat's strengthening of the systems by which complaints can be lodged in United Nations operations.

As the weeks ahead of us unfold, we can also expect that the Department of Peacekeeping Operations and the Office of Internal Oversight Services (OIOS) will continue to coordinate smoothly on developing a standing procedure for how investigations are to be launched. In due course, the relationship between the OIOS and the troop-contributing countries on investigations will also need further refinement. Similarly, my hope is that the Special Committee on Peacekeeping Operations will next year take up those recommendations and ideas found in the comprehensive report which were not addressed at the Committee's April session, either for lack of time or because it was deemed more appropriate for us to visit those items at a later date. In that context, I intend to propose again the holding of in-mission courts martial for the worst offences, and I will argue before the Committee that, at the very least, we should encourage those countries that can do so to, in fact, do so.

In conclusion, we will eliminate sexual exploitation and abuse from United Nations peacekeeping operations only when we have put into effect most, if not all, of the recommendations contained in the comprehensive report, over the next two years. However, that will not be possible as long as there are colleagues in the general membership, as well as in the Secretariat, who would have us believe that the furore regarding sexual exploitation and abuse is an exaggeration — a media-inspired public relations issue and nothing more, which will surely soon lapse into the past. With the adoption of the draft presidential statement and the measures contained in it, the Council's position will be read as being equally clear: such an opinion is profoundly mistaken. Sexual exploitation and abuse in peacekeeping operations is a most serious and tragic issue, especially for the victims, many of whom are young women living in the most difficult conditions. Sexual exploitation and abuse would carry with it the most serious consequences for the future of peacekeeping if we were to prove ourselves incapable of solving this problem. I therefore applaud you, Madam President, and the rest of the Council for taking this decisive action today, for you have brought us that much closer to removing this dreadful stain on the reputation of the United Nations generally and on United Nations peacekeeping in particular.

The President: I thank His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein for his comprehensive briefing.

I now give the floor to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Mr. Guéhenno: I am grateful for the privilege of addressing the Security Council on one of the fundamental challenges facing peacekeeping today. The problem of sexual exploitation and abuse by United Nations peacekeeping personnel is an abhorrent one. It represents a violation of the duty of care owed by peacekeepers to the local population that they have gone to serve.

Sexual exploitation and abuse threatens to tarnish the very name of the United Nations and to undermine our ability to implement Security Council mandates. Indeed, it is precisely our image and reputation that give us the credibility to work so effectively in war-torn countries and bring peace and stability to millions throughout the world. Eliminating such misconduct is therefore integral to the success of peacekeeping.

Stopping sexual exploitation and abuse will not happen overnight, but I take courage from the shared sense of urgency and determination to address it that exists within the Secretariat and Member States. I welcome the importance given to this issue by the Special Committee on Peacekeeping Operations this year. As a result of the Committee's request, the report (A/59/710) of the Secretary-General's Adviser on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel, Prince Zeid Ra'ad Zeid Al-Hussein, was released — a report which must be commended. It provides a candid account of the problem, as well as a clear framework for effective action by both the Secretariat and Member States.

I also strongly welcome the report of the Special Committee on Peacekeeping Operations on sexual exploitation and abuse which, once approved by the General Assembly, will provide my Department with a clear and comprehensive strategy for moving forward. This will enable us to put in place a policy that meets the highest standards of behaviour. This should be accompanied, as is the case with all well-organized armies, by adequate welfare and recreation measures for all peacekeeping personnel, who are often deployed in some of the most difficult and austere environments.

We have come a long way since the allegations of sexual exploitation and abuse against United Nations peacekeepers surfaced in May of last year in the Democratic Republic of the Congo. My Department treated this as an issue of the highest priority, and I am pleased to report that we have made significant progress in investigating allegations and putting in place wide-ranging measures to prevent sexual exploitation and abuse.

Since 1 December 2004, investigations have been completed into allegations of sexual exploitation and abuse involving 152 peacekeeping personnel — 32 civilians, three civilian police and 117 military personnel. So far, five United Nations staff members have been summarily dismissed, nine more are undergoing the disciplinary process and four have been cleared. On the side of uniformed personnel, two members of formed police units and 77 military personnel have been repatriated or rotated home on disciplinary grounds, including six military commanders.

Over the past year, field missions have put in place a wide array of measures to prevent misconduct and to enforce United Nations standards of conduct. For instance, on the prevention side, missions in Côte d'Ivoire, Sierra Leone and Liberia provide induction training on United Nations standards of conduct relating to sexual exploitation and abuse. My department intends to make such training mandatory for all members of peacekeeping operations on arrival in a mission.

Late last year, the Department of Peacekeeping Operations issued a policy on human trafficking. This is now accompanied by a resource manual on the issue, which includes a training module and practical guidance for peacekeeping operations on how best to combat human trafficking. In early 2005, awareness-raising posters on sexual exploitation and abuse and brochures on human trafficking were distributed to all missions, and they are displayed in offices in capitals and in the field, as well as military barracks.

With regard to enforcement of United Nations standards of conduct, field missions in Côte d'Ivoire, Liberia, the Democratic Republic of Congo, Ethiopia, Eritrea, Kosovo and Timor-Leste have established lists of premises and areas frequented by prostitutes, which are now out-of-bounds to all personnel. We have a network of focal points on sexual exploitation and

abuse in all missions to facilitate receipt of allegations, as well as telephone hotlines in Sierra Leone and Liberia.

As was mentioned in the Secretary-General's letter to the Council of 9 February 2005 on the United Nations Mission in the Democratic Republic of the Congo, this mission has put in place a number of mission-specific measures to minimize misconduct, such as a requirement that contingent members wear their uniforms at all times. Our Congo mission is also strengthening managerial accountability by requiring regional heads of office to come up with concrete workplans on how they will prevent sexual exploitation and abuse.

At Headquarters, the Department of Peacekeeping Operations has established a task force aimed at developing guidance and tools for peacekeeping operations to address sexual exploitation and abuse effectively. For instance, we are developing a database, in coordination with the Office of Internal Oversight Services (OIOS), to track and monitor allegations and investigations, as well as follow-up action. The Department is also developing internal communication messages to remind peacekeeping personnel of our duty to care, and why we serve.

In addition, the Department of Peacekeeping Operations is co-chairing with the United Nations Office for the Coordination of Humanitarian Affairs, an inter-agency task force aimed at creating an organizational culture throughout the United Nations system that prevents sexual exploitation and abuse. It is also developing common policies and guidance, for instance on victim assistance.

The Department is cooperating closely with OIOS, which, under General Assembly resolution 59/287, is in charge of investigating allegations of sexual exploitation and abuse in peacekeeping operations. This collaboration involves developing suggestions, for discussion with troop-contributing countries, on how to facilitate their participation in OIOS investigations involving military peacekeeping personnel.

The problem of sexual exploitation and abuse is likely to look worse before it looks better. In other words, as we improve our complaints mechanisms in the field, and as people start to trust that action will be taken against those who violate United Nations standards of conduct, the number of allegations of sexual exploitation and abuse will probably increase, not decrease.

The various measures that my department has undertaken over the past year at Headquarters and in the field have opened our eyes to the enormity of the task that lies ahead of us. We need deep, systemic change. I will do my utmost to implement such recommendations with due haste, as will managers and commanders in peacekeeping operations.

I commend the resolve that Council members are showing through the presidential statement under consideration today. I also welcome the reference in the statement, to be read out by the President at the close of this meeting, to the need for specific provisions to be included in Security Council mandates for peacekeeping operations to address misconduct by peacekeeping personnel. Indeed, the Department of Peacekeeping Operations hopes to establish a dedicated capacity to address conduct issues in the form of personnel conduct units at Headquarters and in the field. Those units will be an essential tool for preventing misconduct, monitoring compliance with United Nations standards and ensuring swift follow-up on disciplinary cases. In an organization that aims towards professional standards of the highest calibre, this is no longer a luxury but a must.

Sexual exploitation and abuse do not occur in a vacuum. Those acts take place where there is a general breakdown in good conduct and discipline. My department is ready to address the problem in a comprehensive manner. However, my department cannot solve this problem alone. We need to create a culture and environment in peacekeeping operations that does not permit sexual exploitation and abuse. That requires joint action by both DPKO and Member States. I look forward to our continued collaboration.

The President: I thank Mr. Guéhenno for his statement.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council recognizes the vital role that United Nations peacekeeping operations have played for decades in bringing peace and stability to countries emerging from war. The Council further recognizes that, with few exceptions, the women and men who serve in

United Nations peacekeeping operations do so with the utmost professionalism and dedication, and in some cases they make the ultimate sacrifice.

"The Security Council is deeply concerned with the allegations of sexual misconduct by United Nations peacekeeping personnel. The distinguished and honourable record of accomplishment in United Nations peacekeeping is being tarnished by the acts of a few individuals.

"The Security Council condemns, in the strongest terms, all acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel. The Council reiterates that sexual exploitation and abuse are unacceptable and have a detrimental effect on the fulfilment of mission mandates.

"The Security Council, while confirming that the conduct and discipline of troops is primarily the responsibility of troop-contributing countries, recognizes the shared responsibility of the Secretary-General and all Member States to take every measure within their purview to prevent sexual exploitation and abuse by all categories of personnel in United Nations peacekeeping missions to enforce United Nations standards of conduct in that regard. The Security Council reiterates the importance of ensuring that sexual exploitation and abuse are properly investigated and appropriately punished.

"The Security Council underlines that the provision of an environment in which sexual exploitation and abuse are not tolerated is primarily the responsibility of managers and commanders.

"The Security Council welcomes the comprehensive report on sexual exploitation and abuse by United Nations peacekeeping personnel (A/59/710) prepared by the Secretary-General's Adviser on this issue, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations. The Council also welcomes the report of the resumed session of the Special Committee on Peacekeeping (A/59/19/Add.1).

"The Security Council urges the Secretary-General and troop-contributing countries to ensure that the recommendations of the Special Committee that fall within their respective responsibilities are implemented without delay.

"The Security Council will consider including relevant provisions for prevention, monitoring, investigation and reporting of misconduct cases in its resolutions establishing new mandates or renewing existing mandates. In this regard, the Security Council calls on the Secretary-General to include, in his regular reporting of peacekeeping missions, a summary of the preventative measures taken to implement a zero-tolerance policy and of the outcome of actions taken against personnel found culpable of sexual exploitation and abuse."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/21.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.20 p.m.